

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LAVITA RUFUS,)	CASE NO. 1:09 CV 2201
)	
Plaintiff,)	
)	JUDGE GAUGHAN
v.)	
)	
)	MAGISTRATE JUDGE McHARGH
MICHAEL J. ASTRUE,)	
Commissioner)	
of Social Security,)	
)	<u>REPORT AND RECOMMENDATION</u>
Defendant.)	

On December 22, 2009, Defendant filed a motion for a more definite statement seeking to clarify whether Plaintiff's complaint referred to her own disability application or that of her daughter. (Doc. 10). On December 23, 2009, the court granted Defendant's motion in an order giving Plaintiff fourteen (14) days, or until January 6, 2010, to file an amended complaint reflecting the decision Plaintiff is appealing. (Doc. 11). Plaintiff did not file her amended complaint within the prescribed time period. On January 20, 2010, the court issued an order giving Plaintiff fourteen (14) days, or until February 3, 2010, either to file her amended complaint or show cause why the Magistrate Judge should not recommend that this case be dismissed for want of prosecution. (Doc. 12).

To date, Plaintiff has not filed her amended complaint. Accordingly, the

Magistrate Judge recommends that this case be dismissed for want of prosecution.

s/ Kenneth S. McHargh
Kenneth S. McHargh
United States Magistrate Judge

Date: February 4, 2010.

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of service of this notice. Fed. R. Civ. P. 72; L.R. 72.3.

Failure to file objections within the specified time may constitute a WAIVER of the right to appeal the Magistrate Judge's recommendation.